

**DIRECT TESTIMONY OF WILLIAM C. HELGESON**

**Q: Will you state your name and address for the Presiding Administrative Law Judge, please?**

William ("Bill") Christian Helgeson, 184 Bonview Street, San Francisco, California.

**Q: What is your current position and title?**

My official job title in the San Francisco Unified School District's (SFUSD or the District) payroll system is Program Director, although internally I serve as Operations Manager at KALW(FM), San Francisco, California (KALW or the Station). I received this job title in the early to mid-1990's. Prior to that time, I had held the position of Clerk Typist at KALW since joining the Station full-time in 1987 or 1988.

**Q: As you are aware, during the course of this proceeding regarding the renewal of KALW's Station license, a question has been raised about the veracity of the testimony at your deposition on September 28, 2004. Is there a general statement you would like to make in that regard?**

I have been a KALW listener for many, many years and have been working for KALW, first as a volunteer and thereafter as an employee, for nearly twenty years. In that time, I have seen the Station weather frequent management changes and difficulties regarding the Station's physical condition as a result of earthquake damage and then moves to "temporary" quarters thereafter. I have also witnessed cycles of staff discontent regarding certain management decisions. In fact, I think it was the unhappiness of several staff members with management and the direction the Station was taking that prompted the establishment of the Golden Gate Public Radio (GGPR) group that instigated the license challenge. Through all of this, I have remained a loyal employee and supporter of KALW, acting at the direction of many different general managers over the years and even filling in for short periods to serve, informally, as General Manager of the Station a couple of times while a hunt for a new general manager was underway.

1 I would never knowingly act in any way that might jeopardize the Station or its FCC license.

2 I was and am therefore dismayed and saddened that the testimony I provided in my  
3 deposition in this proceeding last year has apparently made the Station's situation worse rather  
4 than better. I gave honest answers to the best of my ability at the moment at what was my first-  
5 ever deposition, about which I was very nervous, and in which I was asked questions about  
6 documents I had not seen before or had not seen in a long time. Having worked at the same job  
7 doing largely the same things for a variety of managers for nearly 20 years, my ability to  
8 remember and distinguish details and specifics of days, events or communications, especially  
9 from years ago, is no better – and may be worse – than that of others. In addition, as I think even  
10 the transcript of the deposition shows to some degree, my recent onset of legal blindness made it  
11 very hard for me even to use documents I was shown in the deposition to refresh my recollection  
12 of events. All of these factors made it difficult for me to completely describe my participation in  
13 events having to do with the license challenge, but by no means did I intend to misrepresent any  
14 facts or lie about the circumstances in any way.

15 Having now reviewed the documents in more detail and thought hard about the events in  
16 question, I hope now to be able to provide the FCC with a more complete account of the license  
17 renewal challenge and my role throughout the entire period in question.

18

19 **Q: Towards that end, please tell the Court a little bit about your background and how**  
20 **you came to be involved in public radio?**

21 Shortly after graduating from University of California at Berkeley with a degree in  
22 Business Administration in 1976, I assumed the management of a local bar in downtown San  
23 Francisco that had been my stepfather's. He was retiring, and I had no other specific career plans  
24 at the time, so I stepped in and took over the operation. When the owner of the building decided  
25 not to renew our lease in order to operate the bar himself in 1980, I closed the place down and  
26 spent a few years doing odd jobs and volunteering. Beginning in 1986, I started volunteering at  
27 KALW. My volunteer work at KALW eventually turned into a part-time and then full-time job.  
28 I had and have no education or training in radio or communications. Anything I know about

1 KALW's operations or FCC requirements is the result of on-the-job learning from more  
2 experienced staff and management and from Ernie Sanchez, the Station's former long-time  
3 communications lawyer, to whom Station management, and I over the years, turned for quick  
4 answers about what we needed to do and how to do it.

5  
6 **Q: How did you come to work at KALW?**

7 As I mentioned, I was a listener of KALW for many years. One day, I simply called up  
8 the Station and asked if I could volunteer. I started volunteering one afternoon a week right  
9 around 1986. At some point, then General Manager Daniel del Solar was looking to hire  
10 someone two days a week for about a year and offered me the job. The staff of the Station was  
11 always quite small, and two days gradually became three and then four days. If someone was on  
12 vacation, I would come in for more time to cover for them. At some point during 1988, I think, it  
13 just became a full-time job.

14  
15 **Q: What was your first job title at KALW?**

16 I was hired as a Clerk Typist, which is a classification within the SFUSD's personnel  
17 system. I was full-time in that position until sometime in the mid 1990's. A Clerk Typist is  
18 technically responsible for typing and office clerical work in connection with operating, financial,  
19 purchasing, accounting and similar records and reports and performs related duties as necessary.  
20 I was not hired for my typing ability, but I handled a wide variety of miscellaneous clerical and  
21 administrative duties, basically taking on any task that the General Manager asked me to take care  
22 of. This has essentially remained my role throughout my time at KALW, through numerous  
23 general managers and a job title change.

24  
25 **Q: What other job titles and responsibilities have you held at KALW?**

26 In 1994, then General Manager Jerry Jacob decided that my role was much more  
27 expansive than a Clerk Typist. In order to operate within the SFUSD's personnel system, he  
28 promoted me to the title of Program Manager, for purposes of compensation. I do not now serve,

1 and have never really served, as a Program Manager at KALW. The various general managers  
2 have always coordinated and managed broadcasting, selected, developed and scheduled  
3 programming, and supervised the work of Station staff. Internally, I am considered "Operations  
4 Manager" for the Station instead. While my duties and responsibilities have broadened and  
5 expanded over the years, the change in job title did not suddenly alter my role. The Station staff  
6 is and has always been small, so I continued, and continue, to do just about anything and  
7 everything around the Station – other than going on air or on the control board – as is required of  
8 me.

9 On at least two occasions over the years I was asked by SFUSD officials to fill in between  
10 the time one General Manager departed and another one arrived. I served in this temporary  
11 capacity when then General Manager Jeff Ramirez left the Station at the end of January 1998, and  
12 again when then General Manager Michael Johnson left in September 2000. The first time, I kept  
13 the Station running until Michael Johnson was hired in mid-1998. When his contract was not  
14 renewed, I served as interim General Manager until Nicole Sawaya began work in early March  
15 2001. On both occasions, I remained in my cubicle in the KALW studio rather than relocating  
16 into the General Manager's office, and simply tried to keep the Station running, as SFUSD  
17 management asked me to do while they searched for a new General Manager.

18  
19 **Q: Do you know what a Public Inspection File (PIF) is?**

20 Yes. I understand now that we are required by the FCC to have a place where specified  
21 documents are made available to members of the public. Anyone who wants to can just walk into  
22 the Station and ask to see documents that are related to the Station, including what programs it  
23 airs and under what licenses it operates.

24  
25 **Q: When did you first learn about the PIF?**

26 I remember hearing my first General Manager, Daniel del Solar, use the term "Public  
27 File" back in my early years at the Station, and I believe even then I understood that it had that  
28 name because people could come in and look at it. I have no recollection of KALW's PIF, per se,

1 at that time, and I had no idea about FCC filing requirements at all. But I might well have typed  
2 *up documents and/or put them in the PIF at Daniel's direction, or that of other Station*  
3 management. In particular, at some point early on in my career at the Station, I recall typing  
4 names into an FCC ownership report, and understanding that this needed to be done because of  
5 changes in Board of Education membership after elections.

6 Any involvement I may have had with the PIF for much of my time at KALW would have  
7 been the result of my carrying out direction from the Station's top management. Maybe in part  
8 because of the disruptions caused by the earthquake, several office moves and inadequate space,  
9 extensive staff turn-over, and the need to simply keep up with day-to-day Station operation, it is  
10 difficult for me to recall whether I helped to prepare or filed specific documents. In any event, I  
11 did not make independent decisions about what needed to be in the PIF or whether to file  
12 anything. Such decisions were made, and such directions given, by the General Managers and/or  
13 by the Station's lawyers.

14  
15 **Q: What effect did the Loma Prieta earthquake have on KALW?**

16 From the time I began working at the Station as a volunteer until the Loma Prieta  
17 earthquake in October 1989, we were located on the fifth floor of John O'Connell High School at  
18 2905 21<sup>st</sup> Street in San Francisco. When the school closed because the main high school building  
19 was condemned after the earthquake, we set up a temporary office in the girl's locker room of the  
20 gym. The gym had not been condemned, but there were no kids in the school so it was not being  
21 used for school activities. We ran our entire office from one electrical outlet! While the offices  
22 were in the locker room, another San Francisco radio station, KSFO, allowed the Station to use  
23 broadcast facilities at KSFO's remote transmitter site. We later moved into the abandoned gym  
24 itself, and assembled studios and offices for KALW right on the basketball court. We started  
25 broadcasting from these facilities under the backboards in the spring of 1991. At the end of 1996,  
26 as the gym was slated for demolition to allow the construction of a new elementary school on the  
27 site, we finally moved into our current facilities at Philip Burton High School.

28 I described some of this history in an April 3, 2001 e-mail I sent Ernie at his or Nicole

1 Sawaya's request, so that it could be included in our response to the FCC's February 2001 Letter  
2 of Inquiry. **Proposed SFUSD Exhibit No. 9 [also Proposed EB Exhibit 28] (by stipulation)** is  
3 a copy of that e-mail.  
4

5 **Q: Do you know what happened to KALW's PIF during this time period?**

6 I can't say I do with any great degree of confidence. Many of the Station's files remained  
7 in boxes throughout much of the period of temporary quarters because we were never quite sure  
8 when we'd be moving into a permanent facility. Particularly the first move out of the condemned  
9 O'Connell High School into the locker room was hectic and rushed, and it is likely that some  
10 boxes and files were lost or destroyed during these various transitions. Moreover, the PIF was  
11 never kept under lock and key, so there is no telling who may have been into the file or what, if  
12 anything, may have been removed at one point or another.

13 Once we'd moved the Station temporarily into the high school gym, however, and up until  
14 2001, I do know that the PIF consisted of one drawer in a four drawer file cabinet. The file  
15 cabinet was located in my cubicle, so I considered it something I maintained. I rarely utilized or  
16 accessed any document in the PIF drawer, though, and did not consider it a routine part of my job  
17 to keep it up to date or even to know specifically what was in it. I do recall filing in the other  
18 three drawers, but do not recall ever organizing or indexing the PIF. I certainly did not take any  
19 independent initiative to put any documents into the file, but as I said, I would, and suspect I did,  
20 put things in there when a General Manager asked me to do so. I have no specific recollection  
21 today of being asked by a General Manager to do so, however. The cabinet was not locked, and  
22 until April of 2001 it was in an open office area that anyone at the Station could access.  
23

24 **Q: During the periods where you were serving as interim General Manager were you**  
25 **responsible for maintaining the PIF?**

26 Yes. I would say that I was, but I don't recall doing anything about the PIF during those  
27 periods. My role at those times was expressly to "keep the Station running." I cannot say that I  
28 focused on the PIF then, given the shortness of staff and the enormous demands that merely doing

1 what I had been told to do required of me and any staffing we did have.

2  
3 **Q: Were you involved in assisting with the 1997 license renewal application?**

4 Not to any real degree. Jeff Ramirez arrived as the Station's new General Manager in  
5 mid-1996, following what was a very disruptive period at the Station and facing serious staff  
6 morale problems. Then, on top of that, we moved into our permanent quarters at Burton High  
7 School at the end of 1996. We were on the air, but everything was still in boxes and nothing was  
8 very organized. I do know that I was aware that the renewal application needed to be filed, and I  
9 may have copied and typed some of the documents if Jeff asked me to, but I do not remember any  
10 specifics regarding this application, which I considered to be the responsibility of the General  
11 Manager. I was generally aware that Jeff was working on it and I remember that he asked a  
12 volunteer, Susen Hecht, to assist him. I don't recall more than that.

13 I have since reviewed an e-mail from me to Ernie in late July 1996 confirming receipt of  
14 an explanation of the FCC rule regarding ownership reports, but I simply can not recall the  
15 circumstances of that exchange. I have no recollection of working on an ownership report in late  
16 1996. This was during the transition period between a time when Rose Levinson, a producer, was  
17 serving as interim General Manager, and Jeff's arrival. As I noted before, I do know that I had an  
18 understanding that new ownerships reports were necessary following Board of Education  
19 elections, but I cannot recall why I would have been interested in Ernie's input on this topic at  
20 this point in time. I may have worked on an ownership report in this time frame, but I do not  
21 recall doing so now.

22  
23 **Q: What is Golden Gate Public Radio?**

24 I became aware of Golden Gate Public Radio (GGPR) in 1997. I think Jeff was the first to  
25 tell me that the organization was formed by Jason Lopez, Deirdre Kennedy, Mel Baker and  
26 probably others, after their proposal to the Board of Education to take over the Station was  
27 rebuffed. The group consisted of people who had been involved in the Station in one way or  
28 another but who were by then disgruntled and unhappy with various aspects of the Station

1 management and operation, or with the Board of Education. The group managed to stir up  
2 already existing discontent among the staff and created a tremendous amount of chaos in many  
3 Station matters.

4  
5 **Q: What were the circumstances surrounding GGPR's Petition to Deny?**

6 I'm not sure, honestly, about the exact circumstances. I understand that they had  
7 threatened to challenge the Station's license if certain demands weren't met. I recall hearing from  
8 Jeff at some point in Fall 1997 that GGPR had challenged the Station's license renewal. Jeff told  
9 me about charges being leveled against the Station by GGPR at the time as well. I also recall that  
10 what followed after that was a series of filings back and forth by Ernie and GGPR.

11  
12 **Q: Were you involved in assisting with the preparation of the 1998 Opposition to the**  
13 **Petition to Deny?**

14 I clearly helped out with the preparation of the 1998 Opposition to the Petition to Deny,  
15 but Jeff was the main contact with our attorneys, Ernie and Susan. Jeff took the lead on gathering  
16 the substantive information for the Opposition. I had no idea that Jeff would leave the Station at  
17 the end of January 1998.

18 I don't recall exactly the extent of my participation in the Opposition, but I assisted Jeff on  
19 various tasks that he asked me to perform. While I have no independent recollection of this, my  
20 review of several relevant documents suggests that I and others were tasked at some point with  
21 trying to determine where the Station stood with respect to the allegations GGPR was making  
22 against it. Not surprisingly, since the file sat in my office space, it appears I was asked to check  
23 on the status of the PIF with respect to ownership reports and program issues lists – which I  
24 suspect I did and reported my findings back to Jeff. I have no specific recollection of doing this,  
25 however. I recall speaking with Jeff often after the license challenge was filed and I knew he was  
26 working with the Sanchez Law Firm to file a response.



1 **Q: Did you submit a Declaration with the 1998 Opposition?**

2 I did sign a Declaration that was attached to the Opposition. The Declaration is part of the  
3 Opposition at **Proposed SFUSD Exhibit No. 4 (by stipulation)**. I specifically recall being told  
4 in conversations with Ernie and Jeff that there would be a declaration for my signature, but I do  
5 not think I had any involvement in drafting the language of my Declaration. I recall participating  
6 in a number of discussions with Ernie and Jeff regarding the Opposition and what would be said,  
7 however. And that is what was in the Declaration that Ernie's firm sent to me to sign. Although I  
8 do not specifically recall doing it, I assume, as the Declaration states, that I had taken a look at the  
9 exhibits GGPR used in the Petition to Deny. I may have also done other tasks that Jeff directed  
10 me to do, but I do not recall any other specific tasks. As my Declaration also stated, I did not  
11 authorize any one involved with GGPR to have access to, obtain or copy any of the files in my  
12 personnel file, or other non-public documents maintained in my cubicle.

13  
14 **Q: What did you mean when you said in your 1998 Declaration that you were**  
15 **responsible for maintaining the file cabinet in which the public inspection file was kept?**

16 I can't say now so many years later exactly what I meant at the time. But as I've said, the  
17 entire file cabinet was and has long been in the area of my cubicle. I used the other drawers in the  
18 cabinet occasionally, and was aware that the PIF was also kept there. While the choice of words  
19 "responsible for maintaining" were not mine, I did not object to them. I understood it to refer to  
20 the file cabinet itself – not to a specific drawer – and I assumed it related to my statement that I  
21 had not given GGPR permission to take or copy documents from the file cabinet in my area. I  
22 certainly did not mean to imply by signing the Declaration that I was or had ever been responsible  
23 for keeping the PIF up-to-date. Ernie knew I had not been asked to do so and had not done so.

24  
25 **Q: Your 1998 Declaration also states that you assisted with an ongoing effort to help**  
26 **Jeff Ramirez update the Station's public inspection file in accordance with the rules of the**  
27 **FCC. Can you explain exactly what you were referring to?**

28 I really don't recall exactly what I might have done during that time frame, but as was

1 typical operating procedure at the Station, I am sure that when Jeff asked me to assist him with  
2 specific tasks, I did as I was asked. I knew Jeff was dealing with the PIF in connection with his  
3 efforts to pull together the Station's renewal application. Unfortunately, I do not now recall  
4 specific requests he may have made of me relating to the PIF. I am aware that there is a fax from  
5 me to Ernie indicating it was faxed on 1/30/98, while Jeff was still at the Station, in which I refer  
6 to efforts by Jeff, Ana Perez (a staff member at the time) and me to "clean up" the PIF. Despite  
7 my review of that fax and the attachment (brief guidelines for the content of a PIF), I really  
8 cannot recall what we were doing at the time. I now think it is likely that I looked for ownership  
9 reports and issues/programs lists in the PIF around this time frame, however.

10  
11 **Q: Do you recall doing anything relating to the PIF between January 1998 and 2001?**

12 Other than signing the 1998 Declaration, I don't recall doing anything relating to the PIF  
13 once the Opposition was filed. When Jeff left the Station suddenly at the end of January 1998,  
14 Enrique Palacios, who then had responsibility for the Station at SFUSD, called me into his office  
15 and asked me to keep the Station running while he looked for a new General Manager. Since  
16 Ernie had given us the impression we had a good case, we focused primarily on the operation of  
17 the Station. I am now aware that the Sanchez Law Firm apparently sent me various resources  
18 relating to public inspection files. I have no recollection of doing anything with them, but I  
19 suspect these resources were sent to follow-up on questions about the contents of the PIF that  
20 were initially raised in January of that year.

21 I recall one instance in early 2000 where then General Manager Michael Johnson asked  
22 me to put copies of certain material in the public inspection file and I recall that I did put the  
23 specific items mentioned into the file as he instructed. I have no independent recollection of  
24 taking any other actions with respect to the PIF or the GGPR Petition until the FCC's Letter of  
25 Inquiry (LOI) arrived in February 2001.

1 **Q: Did you see the FCC's Letter of Inquiry in February of 2001?**

2 I know I said in my Deposition that I did not recall seeing the actual letter, and I still  
3 don't. But I now know that there are documents that indicate that I did get a copy of the LOI  
4 from the Sanchez Law Firm in early February, and I have no basis to doubt this is true. It may be  
5 that I just did not focus on the document itself because we were in the midst of a fund drive at the  
6 time. In any event, I clearly was involved in the process of assisting our attorneys in responding  
7 to it. As I noted before, at this time I had been asked again to hang tight and keep the Station  
8 operating during the District's search for a new general manager upon the departure of Michael  
9 Johnson. I think Nicole Sawaya had been offered the position around the time the LOI came in,  
10 but she didn't actually start work until early March and I was much more familiar with the facts  
11 and the Station's records than she was at that time in any event.

12 It was my understanding that the LOI asked about the status of the PIF at the time of the  
13 renewal application and the present time. I looked to the lawyers to tell me what they needed me  
14 to do in order to respond, and I think they told me I needed to take a look at the contents of the  
15 public inspection file. I have also now reviewed some documents indicating that Susan Jenkins  
16 sent me some resources about what should be in the PIF. While I have no independent  
17 recollection of specifically what she sent me, I do recall generally that I sought guidance from the  
18 lawyers about the contents of the PIF.

19  
20 **Q: Were you involved in the preparation of the 2001 Response letter to the FCC's**  
21 **Letter of Inquiry?**

22 Yes. Since Nicole was so new, and at the time there was only one other administrative  
23 person working in the office, who was assisting with our fund drive, I'd say I was the main  
24 contact with our lawyers on factual matters. I believe Ernie asked me to take a look at the PIF to  
25 see what condition it was in. I also recall that the lawyers asked me to send them certain  
26 documents or other information and I provided them with the information they requested.

27 **Proposed SFUSD Exhibit Nos. 10 and 11 [also Proposed EB Exhibits 32 and 33,**  
28 **respectively] (by stipulation) are documents that show I faxed and sent via Federal Express the**

1 exhibits Susan and Ernie requested. **Proposed SFUSD Exhibit Nos. 12 and 13** are true and  
2 *correct copies of other documents that demonstrate I did send the requested information to the*  
3 Sanchez Law Firm.

4  
5 **Q: What did you find when you looked at the PIF after receiving the LOI?**

6 When I looked at the PIF, it was a complete mess. Nothing was organized. Some  
7 documents were not stapled and were out of order. Initially, there was no way to tell what was  
8 there and what was not. After trying to organize the materials, I determined that some records  
9 that should have been there were missing, but there was no way to know whether things that may  
10 once have been in the file had been removed.

11 I cannot recall at this time what exactly was in the PIF and what was not when I looked at  
12 it in early 2001, and I did not make a record of what we did and did not find. But I know we were  
13 missing a lot of the required records of quarterly issues/programs lists and a couple of recent  
14 ownership reports. I didn't bring this to the attention of anyone at the District at the time, but I  
15 discussed it with the lawyers at the Sanchez Law Firm and with Nicole. In my conversations with  
16 the lawyers, they made it clear to me that the FCC wanted the file complete, that the proper  
17 course of action, therefore, was to do what we could to recreate records to bring the file up-to-  
18 date, and that this would respond to the FCC's questions.

19  
20 **Q: What did you do then?**

21 With assistance from a Station volunteer, I tried to update the PIF as best as I could. I  
22 recall that we created folders for each quarter so we could see exactly what was there and what  
23 was not. We then placed loose documents into the folders for the proper quarters. This folder  
24 system was very helpful because it also guided me through figuring out what we needed to find to  
25 make sure we had the appropriate information for the license period. Using guidelines from the  
26 lawyers, we set out to hunt down information regarding what KALW did in the way of  
27 programming from the early 1990's onward. Our objective was to have at least some information  
28 for each quarter.

1 To establish a record of our local programming, I made copies of my own saved KALW  
2 Program Guides and put them in the file for virtually all quarters. These Program Guides were  
3 packets we printed each quarter prior to airing the programs to inform the public what was  
4 coming up on KALW. Barring unforeseen circumstances, we usually stuck close to airing  
5 exactly what the Guides said we would. We also went to the National Public Radio (NPR)  
6 website, downloaded its issues/programs lists in order to document the national programming that  
7 aired related to issues of local concern, and placed the downloaded lists into the file. I inserted  
8 cover sheets listing some of the NPR programs we carried. We were unable to get NPR  
9 issues/programs lists for the early 1990's because NPR had not made such information available  
10 on its website from that long ago. I made no effort to try to create the impression that these  
11 documents had been in the PIF all along. I didn't even cover up the "Bill's Copy" notation on the  
12 copies of my KALW Program Guides or the download dates that appear on the upper right hand  
13 corner of the NPR issues/program lists.

14 I also brought the ownership reports up to date, so that they reflected the changes in the  
15 Board of Education membership since 1999. Specifically, we prepared reports for January 1999,  
16 July 2000 and January 2001. I had Jackie Wright, the Station's new liaison with SFUSD, sign  
17 and date the forms when she came by the Station on March 7, 2001. We did not back-date them  
18 or take any other steps to make them appear to have been created at any earlier point in time.

19 We were trying to bring the PIF up-to-date. I did this because it is what I understood the  
20 lawyers wanted us to do. I would not have done it if I didn't think it would help us respond to the  
21 LOI. We were not trying to hide the fact that these documents were inserted into the file in  
22 February and March of 2001.

23  
24 **Q: Did you provide any substantive assistance in drafting the 2001 Response?**

25 I know I talked with Nicole and our attorneys on a number of occasions about the  
26 condition of the PIF at the time. Though I do not now remember the specifics of any of these  
27 conversations, from looking at documents, I understand that we spoke about the deficiencies in  
28 the PIF and the actions taken to try to remedy them. I have now seen Susan Jenkins' notes of a

1 telephone conversation she and I apparently had in late March or early April 2001. While I do  
2 *not recall specifics about that conversation, I do recall generally reporting to the lawyers just*  
3 before the response to the LOI was submitted that the PIF had now been brought up-to-date.

4 **Proposed SFUSD Exhibit No. 14 [also Proposed EB Exhibit 25] (by stipulation)** is a copy of  
5 this page of notes.

6 In early April 2001, I also recall sending to Susan Jenkins, at her request, copies of certain  
7 documents I presumed were to be filed with the Response to the LOI. In addition to copies of  
8 some of the documents from the PIF, these included my Declaration affirming that the statements  
9 and other factual allegations in the letter were true and correct to the best of my personal  
10 knowledge and belief at that time. I believe that it was Susan Jenkins who drafted my  
11 Declaration and then asked me to sign it.

12 I do not recall reviewing a copy of the draft Response to the LOI, but I am aware there is  
13 an e-mail from Ernie to David Campos at SFUSD, on which Jackie Wright, Nicole and I were  
14 copied, transmitting a copy. The lawyers sent us the draft and my Declaration just a day or two  
15 before the Response had to be filed, and I was responding to Susan Jenkins' requests for  
16 documents and information at this same time. Unfortunately, I cannot say that I reviewed the  
17 draft put together by the lawyers with the appropriate level of care before signing my Declaration.  
18 I assumed that the lawyers, who had a long history and extensive knowledge of the Station, would  
19 properly present the facts I had provided to them. **Proposed EB Exhibit 34 (by stipulation)** is a  
20 copy of SFUSD's April 5, 2001 Response letter to the FCC's Letter of Inquiry.

21  
22 **Q: What do you mean by "properly present the facts"?**

23 Well, as I said in my deposition, we should not have answered "Yes" in response to the  
24 question whether the PIF was complete as of the date of the LOI. **Proposed SFUSD Exhibit No.**  
25 **15** is a set of excerpts from my September 28, 2004 deposition as they were filed with the FCC in  
26 SFUSD's Opposition to the Motion to Enlarge. The PIF clearly was not complete at that time.  
27 As explained above, I had updated the PIF and attempted to make it more complete between the  
28 time we received the LOI and the time we sent our letter in return.

1 My impression at the time was that the LOI was asking whether the file was complete as  
2 of the date of our response letter, and I now know that is how our legal counsel answered that  
3 question. The response to question 5 of the LOI says "As of the date of this response, KALW's  
4 public inspection file is now complete. The KALW(FM) public inspection file contained all  
5 required material as of April 5, 2001." The explanation section of the Response included an  
6 entire section about how we corrected the problems with the PIF. And it explained some of the  
7 steps we'd taken to complete the file and the steps we'd taken to make sure that the file would be  
8 more secure in our facility (moving the file into Nicole's office, making it available only during  
9 working hours, taking some control over when/where the file was accessed).

10 But I now recognize that the FCC was actually asking whether the file was complete as of  
11 February 5, 2001, the date of the FCC's own Letter of Inquiry. I am not sure even now that I  
12 would have caught that distinction between the two dates if it hadn't recently been brought to my  
13 attention. However, now understanding that the date in question was February 5, 2001, not April  
14 5, 2001, the answer should have been "No" because, as I've just said, we had taken steps after the  
15 LOI came to complete the file.

16 Our lawyers knew that we had updated the file, and I relied on them to decide how to  
17 present our response to the FCC. I never intended to mislead the FCC into believing that the file  
18 was complete prior to receiving their Letter of Inquiry.

19  
20 **Q: What about SFUSD's response to the FCC's questions about the status of the PIF as**  
21 **of August 1, 1997, when Jeff Ramirez certified the renewal application?**

22 Our response to the LOI questions about whether all ownership reports, issues/programs  
23 lists and donor forms required to be in the PIF were in the file as of August 1, 1997 when Jeff  
24 submitted the renewal application, was also "Yes." In making that response, we relied on Jeff  
25 having done his job correctly. I had not personally inventoried the contents of the PIF in 1997.  
26 The Sanchez Law Firm had worked directly with Jeff in submitting the application in the first  
27 place and in responding to the GGPR allegations shortly thereafter, and they knew what had been  
28 said and done about the PIF during that time. I believe the lawyers knew that I would have had

1 no independent basis in 2001 for reaching a conclusion about the completeness of the PIF in  
2 1997.

3 I did not second-guess Jeff. While I found the PIF to be incomplete when I reviewed it in  
4 2001, I had no particular reason to doubt what I believed to have been Jeff's prior certification  
5 that it had been complete previously. I found the PIF disorganized and knew that it had not been  
6 kept locked or protected in any way. In fact, as I may have mentioned, all of this prompted us to  
7 try to secure the PIF by moving it into Nicole's office, limiting access to it and making upkeep of  
8 the file one of my job responsibilities. While perhaps I should have, I did not try to reach Jeff to  
9 discuss the matter. Believing that Jeff and the lawyers would have handled the renewal  
10 application process carefully and appropriately, I did not doubt Jeff's statements in the renewal  
11 application. I simply thought if Jeff said the file was complete on July 30, 1997, it had been.

12  
13 **Q: How were you involved with the PIF after April 2001?**

14 As we indicated in the Response to the LOI, I was officially assigned the responsibilities  
15 of maintaining the PIF from that point forward. At the end of each quarter, I gathered  
16 information regarding the topics covered by programming aired that quarter on KALW for the  
17 file. I maintained the PIF until after my deposition in late September 2004, when Nicole took  
18 over that role.

19  
20 **Q: Aside from this proceeding, are you aware of any notices of violation, notices of**  
21 **apparent liability or forfeiture orders for violation of FCC rules by KALW since you began**  
22 **working at the Station?**

23 No.  
24

25 **Q: Why do you remember things now that you did not recall as well at your deposition**  
26 **in September 2004?**

27 I had never given a deposition before so I did not entirely appreciate how much I would be  
28 asked to remember specific dates and details from the past. Looking back on it, I should probably



1 have spent more time in preparation because I had some difficulty remembering the details of  
2 what happened so many years ago. I now wish that I had reviewed certain documents before my  
3 deposition, but, in truth, that would have been difficult for me in any event. At the end of 2003  
4 and early 2004, my eyesight rapidly deteriorated to the point that I am now legally blind. I could  
5 see perfectly well before that. I can still see movement and make out the image of people and  
6 things around me, but I can no longer make out details at all. When I look directly at a piece of  
7 paper with writing on it, I cannot read the words printed. I have a program on my computer that  
8 helps me read electronic documents by enlarging the images, but it remains extremely difficult for  
9 me to read text that appears in small or normal sized print. Moreover, I cannot see the entire  
10 document when I look at the enlarged image. The program blows up a section of a page at a time,  
11 so I can read the words, but I cannot see the layout of the text at all. So while I can with difficulty  
12 review documents, or have them read to me, I generally do not receive the mental impressions of  
13 documents that sometimes help people refresh their memories.

14 That said, I wish I had spent more time preparing for the deposition and had reviewed  
15 more of the documents completely and carefully in advance. It would have helped me to think  
16 about the details of these issues before the deposition and to contemplate potential questions I  
17 could have been asked. Because I did not do this, and given the passage of time and the difficulty  
18 I have using my eyesight to help me recall dates and events, I had trouble remembering the details  
19 of events that took place regarding this matter. On more than one occasion during my deposition,  
20 I may have initially answered that I was not involved in certain matters, but as the questioning  
21 went on, I recalled more of the facts, especially once the documents were read to me. Now that I  
22 have been thinking about the details of these events, and have gone through more of the  
23 documents, I feel that I can describe these matters, and my involvement in them, more precisely  
24 and more accurately.

1 I declare under penalty of perjury that the foregoing is true and correct.

2  
3  
4 Signature: Wm Helgeson

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7 Executed on April 29, 2005

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